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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,944	08/04/2003	John Kolbjorn Roedseth	DN2003129	5204

27280 7590 12/23/2005

THE GOODYEAR TIRE & RUBBER COMPANY  
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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,944

Applicant(s)

ROEDSETH ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-26-2005</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Applicant's election without traverse of group II, claims 5-6 in the reply filed on 10-5-2005 is acknowledged.
2. Claims 1-4 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10-5-2005.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the new clause added to the end of each of claims 5 and 6, no antecedent has been established for "the bead core".

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldoni et al. (US 6,360,802) taken in view of at least one of [Caretta (US 3,598,673), Byerley (US 6,457,505 - newly cited) and Felten et al. (US 4,239,579 - newly cited)].

Baldoni et al. is applied for the same reasons as set forth in the last office action. As to the newly added clause at the end of claims 5 and 6, Baldoni et al. does not describe these relative distances. However, it is well known in this art that when a central drum portion is expanded between clamped or locked beads, then it must be accompanied by coordinated axial movement to avoid slippage of the carcass ply relative to the bead or other undue stresses as well as to ensure there is no carcass wrinkling - note esp. col. 6, lines 1-15 of Caretta, col. 1, line 49 - col. 2, line 41 and col.

5, lines 9-32 of Byerley and col. 6, lines 15-50 and 62-67 of Felten et al. In other words, it would seem well understood that any slippage or relative movement between the bead and carcass ply *once the bead is locked* is highly undesirable and thus once the bead is locked (as in fig. 2 of Baldoni et al.), and since the carcass cords would be expected to be substantially inextensible, it is submitted that the artisan would have found it obvious to coordinate the axial movement of the locked beads to be equal to the radial expansion of the central carcass to avoid slippage of the ply relative to the bead while also avoiding a loose ply that would be susceptible to wrinkling.

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Caretta (US 3,598,673) or Landsness (US 4,780,170) or Olbert et al. (US 3,853,653 - for claim 5 only)] taken in view of at least one of Baldoni et al. (US 6,360,802) and Kneip (US 4,976,804) and further in view of at least one of [Caretta (US 3,598,673 - only for the rejections not based on Caretta), Byerley (US 6,457,505 - newly cited) and Felten et al. (US 4,239,579 - newly cited)].

These references (except the newly applied references) are applied for the same reasons as set forth in the last office action. As to the newly added clause at the end of claims 5 and 6, Caretta indicates that the axial movement that accompanies the radial movement prevents relative sliding between the plies and the beads (col. 6, lines 1-15) but does not expressly describe these movements in terms of the relative distances. Landsness and Olbert et al. likewise do not expressly refer to these distances. However, it is well known in this art that when a central drum portion is expanded between clamped or locked beads, then it must be accompanied by coordinated axial

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movement to avoid slippage of the carcass ply relative to the bead or other undue stresses as well as to ensure there is no carcass wrinkling - note esp. col. 6, lines 1-15 of Caretta, col. 1, line 49 - col. 2, line 41 and col. 5, lines 9-32 of Byerley and col. 6, lines 15-50 and 62-67 of Felten et al. In other words, it would seem well understood that any slippage or relative movement between the bead and carcass ply *once the bead is locked* is highly undesirable and thus once the bead is locked (as in each of the primary references), and since the carcass cords would be expected to be substantially inextensible, it is submitted that the artisan would have found it obvious to coordinate the axial movement of the locked beads to be equal to the radial expansion of the central carcass to avoid slippage of the ply relative to the bead while also avoiding a loose ply that would be susceptible to wrinkling. Providing the drums of the primary references with such a capability would therefore have been obvious. In fact, it is also noted that it would seem reasonable to expect the relatively free axial movement allowed in Landsness with radial drum expansion would necessarily provide equal movement distances as claimed (assuming no slippage, as would have been obvious and desirable as already noted).

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

Applicant's arguments have been addressed within the statements of rejection above.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
December 21, 2005